

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Patrick Yu	Team: Squad #6	CCRB Case #: 201502795	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Saturday, 04/11/2015 4:19 PM	Location of Incident: East 183rd Street and Ryer Avenue	Precinct: 46	18 Mo. SOL 10/11/2016	EO SOL 10/11/2016	
Date/Time CV Reported Tue, 04/14/2015 10:17 AM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Tue, 04/14/2015 10:17 AM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Edouard Merant	01191	954128	PBBX

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM George Kaewussdangkul	25678	954987	PBBX

Officer(s)	Allegation	Investigator Recommendation
A.POM Edouard Merant	Abuse: PO Edouard Merant interfered with § 87(2)(b) s ability to record an incident.	
B.POM Edouard Merant	Abuse: PO Edouard Merant searched § 87(2)(b)	
C.POM Edouard Merant	Abuse: PO Edouard Merant frisked § 87(2)(b)	
§ 87(4-b) § 87(2)(g)		

### Case Summary

On April 14, 2015, § 87(2)(b) filed this complaint with the CCRB via phone (Board Review 17).

On April 11, 2015, at approximately 4:19 p.m., PO Edouard Merant approached § 87(2)(b) and stopped him on East 183<sup>rd</sup> Street and Ryer Avenue in the Bronx. § 87(2)(b) asked PO Merant if he could record the incident and PO Merant said “no” (**Allegation A**). PO Merant subsequently instructed § 87(2)(b) to stand against the wall and allegedly searched him (**Allegation B**). After the search, PO Merant frisked § 87(2)(b) (**Allegation C**). § 87(2)(b) was then allowed by PO Merant to record the incident. At this point, PO George Kaewussdangkul arrived on the scene. § 87(2)(b) was issued a summons for § 87(2)(b) and a summons for § 87(2)(b) (Board Review 13). § 87(2)(b) was released after receiving the two summonses. PO Merant also failed to prepare a stop and frisk report for § 87(2)(b) (**Allegations D**).

The case was originally assigned to Inv. Sarah Feit. The case was subsequently assigned to Inv. Yu on June 11, 2015.

### Mediation, Civil and Criminal Histories

§ 87(2)(b) accepted mediation on April 14, 2015. During his mediation session on June 5, 2015, § 87(2)(b) requested to have the complaint investigated. A Notice of Claim query was emailed on August 12, 2015 (Board Review 15). To date, the results are pending. § 87(2)(b) [§§ 86(4)(3)&(4)]

§ 87(2)(c)]

### Civilian and Officer CCRB Histories

- This is § 87(2)(b)'s first CCRB complaint (Board Review 10).
- PO Merant has been a member of the NYPD for two years and has had no prior CCRB complaints filed against him.

### Potential Issues

A Google Map search indicated that the “deli and grocery” on the corner of East 183<sup>rd</sup> Street and Ryer Avenue had an exterior camera right above the deli. A call to the deli was made on June 30, 2015, and an employee stated that the deli does not have any exterior cameras and that the camera seen is property of the building itself. The employee did not have any contact information for the building’s management. § 87(2)(g)

### Findings and Recommendations

#### Video footage (Board Review 04):

The footage was recorded by § 87(2)(b) via cellphone during the incident and was sent to the CCRB via email on April 16, 2015. The footage contains both video and audio and is 2 minutes and 34 seconds long.

Upon viewing the footage, PO Merant and PO Kaewussdangkul both acknowledged that they were the officers shown in the video. The video was recorded subsequent to § 87(2)(b)'s alleged frisk and search and no other allegations were captured.

In the video, § 87(2)(b) repeatedly accused PO Merant of searching him, which PO Merant denied repeatedly. § 87(2)(b) appeared to be agitated in his tone. PO Kaewussdangkul asked § 87(2)(b) for his ID several times before § 87(2)(b) complied. The video did not show any crowd that gathered or an environment in which appeared to be a significant threat to the officers.

**Witness:**

**§ 87(2)(b) (Board Review 05)-**

§ 87(2)(b) provided § 87(2)(b)'s contact information via email (Board Review 18). § 87(2)(b) provided an unverified phone statement to the CCRB on July 10, 2015. § 87(2)(b) did not respond to contact attempts to obtain a verified statement. § 87(2)(b) is § 87(2)(b)'s friend and he currently lives in Maryland.

§ 87(2)(b) initially observed the incident at a distance from inside of his car. § 87(2)(b) observed an Asian officer (identified as PO Kaewussdangkul via the investigation) and a black officer (identified as PO Merant via the investigation) approach § 87(2)(b). § 87(2)(b) could not hear the initial conversation, but he stated that the officers "got close" to § 87(2)(b). At some point, § 87(2)(b) approached the officers and § 87(2)(b) but PO Kaewussdangkul ordered § 87(2)(b) to stay back. § 87(2)(b) did not mention a frisk or a search until he was prompted by the investigator with the question of whether he observed the officers frisking or searching § 87(2)(b). § 87(2)(b) subsequently stated that he observed an officer pull § 87(2)(b) towards a wall and PO Kaewussdangkul entered his pants pockets. § 87(2)(b) did not recall whether PO Merant participated in the search. Moreover, he did not see any officers frisking § 87(2)(b).

**Explanation of Subject Officer Identification**

Based on the § 87(2)(b)'s and the officers' testimonies, it was established that PO Merant was the initial officer to stop § 87(2)(b). This was further supported by the video footage § 87(2)(b) provided to the CCRB which showed PO Merant initially interacting with § 87(2)(b) whom § 87(2)(b) also pointed out in the video during his CCRB testimony. § 87(2)(b)'s description of PO Merant was generally accurate and PO Merant was the only black officer on the scene. § 87(2)(g).

**Allegations not pleaded:**

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

**Allegation A-Abuse of Authority: PO Edouard Merant interfered with § 87(2)(b)'s ability to record an incident.**

It is not in dispute that PO Merant did not permit § 87(2)(b) to record the incident upon their initial interaction. However, § 87(2)(b) was allowed to record the incident after PO Merant completed his frisk.

§ 87(2)(b) stated that while PO Merant began frisking and searching him, he asked if he could record the incident (Board Review 07). § 87(2)(b) and PO Merant both corroborated that § 87(2)(b) was told by PO Merant that he was not allowed to record the incident at this time (Board Review 07 and 08). PO Merant stated to the CCRB that he did not let § 87(2)(b) record for his own safety. However, after PO Merant completed the frisk, § 87(2)(b) was then allowed to record the incident (Board Review 08). This was confirmed by § 87(2)(b) and the video footage presented by § 87(2)(b).

According to the NYPD Finest Message #9881632 released on August 6, 2014, the public is legally allowed to record police interactions, including arrests and other situations. Blocking or obstructing cameras or ordering the person to cease the recording constitutes censorship and violated the first amendment. However, the person recording may not interfere with police operations (Board Review 01).

§ 87(2)(g)

§ 87(2)(g)

**Allegation B-Abuse of Authority: PO Edouard Merant searched § 87(2)(b)**

§ 87(2)(g)

In § 87(2)(b) statement to the CCRB, he stated that PO Merant requested to search him twice during which times § 87(2)(b) told PO Merant that he could not search him. Subsequently, PO Merant instructed § 87(2)(b) to face the wall. § 87(2)(b) complied and PO Merant proceeded to enter § 87(2)(b)'s front two jeans pockets. PO Merant removed § 87(2)(b)'s keys and immediately placed them back inside his pocket (Board Review 07). § 87(2)(b) also corroborated that § 87(2)(b) was searched during the incident. However, § 87(2)(b) alleged that § 87(2)(b) was searched by PO Kaewussdangkul and not by PO Merant (Board Review 05).

Though § 87(2)(b) was adamant in that he was searched by PO Merant, the video showed that PO Merant was equally adamant disputing that he did not search § 87(2)(b). The video recording was only able to capture what transpired after the alleged action (Board Review 04). In PO Merant's CCRB testimony, he denied searching § 87(2)(b) and stated that he only frisked him (Board Review 08). PO Kaewussdangkul did not recall whether PO Merant searched § 87(2)(b).

§ 87(2)(b) (Board Review 09). However, PO Kaewussdangkul would not have witnessed the search because he approached PO Merant and § 87(2)(b) after the alleged search occurred.

§ 87(2)(g)

**Allegation C-Abuse of Authority: PO Edouard Merant frisked § 87(2)(b)**

It is not in dispute that PO Merant frisked § 87(2)(b) prior to PO Kaewussdangkul arriving during the interaction.

In § 87(2)(b)'s testimony, prior to the police interaction, he exited a restaurant with his friend. § 87(2)(b) proceeded towards his vehicle when an individual, whom he knew, greeted § 87(2)(b) with a "pound". After the "pound", § 87(2)(b) continued to walk towards his car. § 87(2)(b) denied performing any exchanges with the aforementioned individual and stated that nothing was passed to him during the "pound" two second encounter. Moreover, § 87(2)(b) denied holding anything in his hands during the incident. § 87(2)(b) had a few items throughout various pockets in his pants: his front right jean pocket was empty, his left front jeans pocket was occupied by his keys (he noted that his keys were somewhat large in size), his wallet was in his right rear jeans pocket, and he had 10 folded US currency bills in his left rear jeans pocket. As § 87(2)(b) was walking after his brief encounter with the individual, PO Merant instructed him to stop. PO Merant told § 87(2)(b) the reason for the stop was because he saw the guy give § 87(2)(b) something. PO Merant then asked to search § 87(2)(b) twice. § 87(2)(b) refused to be searched both times. However, PO Merant proceeded to frisk § 87(2)(b) by patting his rear pants pockets, legs, back, and waist area (Board Review 07). After the frisk and search, PO Kaewussdangkul approached with a bottle in his hand and PO Merant told § 87(2)(b) that he was observed with an open container. PO Merant also asked § 87(2)(b) why he helped his friend throw away the bottle of beer. PO Kaewussdangkul subsequently asked § 87(2)(b) for his ID a few times and after obtaining his ID, PO Kaewussdangkul issued § 87(2)(b) two summonses (Board Review 13).

PO Kaewussdangkul and PO Merant both stated that they initially observed an unidentified Hispanic male give § 87(2)(b) an open bottle of beer (Board Review 08 and 09). PO Kaewussdangkul pursued the unidentified Hispanic male and PO Merant approached § 87(2)(b) for the purposes of issuing summonses for § 87(2)(b). PO Merant confirmed that he did not observe § 87(2)(b) commit any additional violations or crimes. PO Merant was the first to interact with § 87(2)(b). PO Merant stated that he did not observe any bulges or anything indicative of § 87(2)(b) having a weapon. PO Merant stated that at some point § 87(2)(b) caused a scene by screaming and approximately more than five people had gathered outside the nearby barber shop and grocery store. PO Merant stated that the onlookers did not interfere or block pedestrian traffic, but were just observing from distance. PO Merant stated in his CCRB testimony, that after explaining the reason for the stop he proceeded to frisk § 87(2)(b) for his own safety. Additionally, when PO Merant was asked in his CCRB testimony, he stated that he did not know if he believed § 87(2)(b) had any weapons. PO Merant described the frisk as a whole body pat down "from head to toe". No contraband was recovered as a result. Upon PO Kaewussdangkul return from the pursuit, approximately a quarter of a block away, PO Merant had already stopped § 87(2)(b). At this point, PO Kaewussdangkul did not observe any bulges on § 87(2)(b) nor did he believe that § 87(2)(b)



§ 87(4-b), § 87(2)(g) [Redacted]  
[Redacted]  
[Redacted]  
[Redacted].

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Pod:

Investigator: \_\_\_\_\_  
Signature Print Date

Pod Leader: \_\_\_\_\_  
Title/Signature Print Date

Attorney: \_\_\_\_\_  
Title/Signature Print Date